

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LYNDA YOUNG,

No C 08-4665 VRW

Plaintiff,

ORDER

v

LONG-TERM DISABILITY PLAN FOR  
EMPLOYEES OF POSTAL CREDIT UNION  
OF NORTHERN CALIFORNIA,

Defendants.

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On July 16, 2009, plaintiff Lynda Young filed a motion for judgment pursuant to FRCP 52. Doc #26. The court seeks to refer this ERISA matter to a United States magistrate judge for proposed findings of fact and recommendations for the disposition of the motion pursuant to 28 USC § 636(b)(1)(B). After review of the magistrate's proposed findings of fact and recommendations, along with the parties' objections, if any, to the magistrate's proposal, the court will enter the dispositive order. It appears

1 to the court that the parties' consent to this referral is not  
2 required pursuant to § 636(b)(1)(A). Nevertheless, because no  
3 clear authority addresses whether the court may refer a FRCP 52  
4 motion to a magistrate, the court seeks to obtain the parties'  
5 consent for the referral.

6 Accordingly, the parties are DIRECTED to inform the court  
7 in writing, not later than October 9, 2009, whether they consent to  
8 the above-described referral to a magistrate. The hearing  
9 scheduled for October 1, 2009 is VACATED pending receipt of the  
10 parties' response.

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13 IT IS SO ORDERED.

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16 VAUGHN R WALKER  
United States District Chief Judge  
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